

Actions Needed from the Commonwealth by March 1, 2006:

1. Through Enforcement Orders, take action against public and private operators and owners to close any open dumps that were previously closed or ordered closed, but are still operating or have reopened, such as Santa Isabel.
2. Take action through Final Operation Compliance Consent Orders to:
 - a. Require public and private operators and owners to implement interim measures at all operating landfills, as appropriate. These interim measures, which should include operational steps, such as ensuring security, controlling waste acceptance, applying daily cover, groundwater and methane (explosive gas) monitoring, and stormwater run-on/off controls, needed to be put in place pending the implementation of an acceptable Commonwealth solid waste management plan resulting in landfills in compliance with Commonwealth and Federal landfill requirements;
 - b. Require public and private operators to meet financial assurance requirements as addressed in 40 C.F.R. Part 258.
 - c. Require public and private operators of those facilities that SWMA has identified in its Plan as ones that will continue to operate as municipal landfills to meet full technical requirements of 40 C.F.R. Part 258. It is understood by EPA that most operational solid waste disposal facilities have undergone lateral expansions without meeting the federal requirements. The requirement to meet the full technical criteria would involve, in part, the capping/closure of past and current waste deposition cells with new waste cells being designed, constructed, and operated with liners and leachate collection systems. The capping/closure of past and current waste deposition cells would serve to limit leachate generation in the unlined areas (see 3(c) below).
 - d. Close those open dumps that the SWMA has identified in its Plan as targeted for closure and convert a number of them to transfer stations (see 3(a) and (b) below).
3. Submit, in English, an acceptable Strategic Plan for Solid Waste Management that meets the 40 C.F.R. Part 256 Guidelines for Development and Implementation of State Solid Waste Management Plans. Such a Plan will include:
 - a. Plans to close most of the existing open dumps/municipal landfills that have been operating in significant non-compliance for the last 11 years.
At least two such closures must be expedited, with discrete, short-term benchmarks. Such closure benchmarks must include the cessation of acceptance of non-host municipality solid waste by March 1, 2006;
 - b. Plans to convert a number of these closed landfills to acceptably run transfer stations;
 - c. Plans to construct new regional landfills, and/or the construction of new waste cells at closed landfills, that are protective of human health and the environment;
The Solid Waste Management Plan must include a detailed schedule for implementing (a), (b), and (c) above.
 - d. A detailed financing plan needed to implement the Solid Waste Management

Plan; specific financing mechanisms and funding sources must be identified along with a schedule for obtaining such financing. This schedule must be consistent with the schedule for implementing (a), (b), and (c) above.

4. Revise Commonwealth regulations with respect to lateral landfill expansion and financial responsibility to be consistent with the federal regulations. At a minimum, by March 1, 2006, the revised regs should be public noticed.